



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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DA 03-2961

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON SPRINT CORPORATION'S PETITION FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN NEW YORK

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Release Date: September 26, 2003

Comment Date: 10 days from publication in the Federal Register

Reply Comment Date: 24 days from publication in the Federal Register

On September 2, 2003, Sprint Corporation (Sprint), on behalf of its Wireless Division, filed with the Commission a petition under section 214(e)(6) of the Communications Act of 1934, as amended, seeking designation as an eligible telecommunications carrier (ETC) to receive federal universal service support for service offered in the portions of its licensed service area in New York that are served by non-rural incumbent local exchange carriers.¹ Specifically, Sprint contends that: (1) the State of New York Department of Public Service (New York Department of Public Service) has provided an affirmative statement that it does not regulate commercial mobile radio service (CMRS) carriers;² (2) Sprint satisfies all the statutory and regulatory prerequisites for ETC designation;³ and (3) designating Sprint as an ETC will serve the public interest.⁴ The Wireline Competition Bureau seeks comment on the Sprint Petition.

We note that Sprint must provide a copy of its petition to the New York Department of Public Service. The Commission will also send a copy of this Public Notice to the New York

¹ See *Application of Sprint Corporation for Designation as an Eligible Telecommunications Carrier in the State of New York*, filed September 2, 2003 (Sprint Petition), 47 U.S.C. § 214(e)(6). Sprint seeks ETC designation in partial and complete wire centers served by Verizon New York, Incorporated and Frontier Telephone of Rochester, Inc., a subsidiary of Citizens Communications Co. See Sprint Petition at Exhibit C.

² See Sprint Petition at 3-4, Exhibit D, Letter from Elizabeth H. Liebschutz, Assistant Counsel, State of New York Department of Public Service, to Whom it May Concern, dated March 27, 2003.

³ See Sprint Petition at 4-9.

⁴ See *id.* at 10-12.

Department of Public Service by overnight express mail to ensure that the New York Department of Public Service is notified of the notice and comment period.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments as follows: comments are due **10 days after publication of the Public Notice in the Federal Register** and reply comments are due **24 days after publication of the Public Notice in the Federal Register**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁵

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to <ecfs@fcc.gov>, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

Parties also must send three paper copies of their filing to Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-B540, Washington, D.C. 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20054.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte* communications are permitted subject to disclosure.

⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

For further information, contact Thomas Buckley, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400, TTY (202) 418-0484.